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DISCLOSURE UNDER FOIA**

November 30, 2021

**By Electronic Mail**

Mary E. Greene  
Director  
Air Enforcement Division  
Office of Civil Enforcement  
U.S. Environmental Protection Agency  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, NW  
Mail Code: 2201A  
Washington, DC 20460

Re: Hickok – Notification of Force Majeure Event

Dear Ms. Greene:

Birla Carbon USA, Inc. (“Birla” or the “Company”) submits this letter pursuant to Paragraphs 72 and 73 of the June 11, 2018, Consent Decree between the United States of America, the Louisiana Department of Environmental Quality (“LDEQ”), the Kansas Department of Health and Environment (“KDHE”), and Columbian Chemicals Company. Consent Decree, *United States et al. v. Columbian Chem. Co.*, No. 6:17-cv-01661-RGJ-CBW (W.D. La. June 11, 2018). This letter provides written notice of a force majeure event and anticipated noncompliance with obligations under the Consent Decree as a result of equipment failure related to the NOx Continuous Emission Monitoring System (“CEMS”) at Birla’s Hickok facility (“Hickok”).

On November 26, 2021, Hickok experienced an unanticipated equipment failure that caused the CEMS to stop functioning properly. In responding to the alarms raised by the CEMS failure, Hickok’s onsite I&E Technician responded to the site despite being on vacation and worked on several components of the equipment to resolve the issues. These efforts continued through the weekend. On November 29, 2021, with additional guidance from the equipment supplier, work continued on the CEMS components to resolve the issue; however, the problem remains unresolved. Being unable to resolve the issue with onsite staff, the supplier indicated that it would likely take over a week to get their technicians to visit the site to work on the unit. Due to the multiple issues that were being experienced, the equipment supplier recommended shipping the NOx analyzer back to their facility for bench repairs. To ensure the fastest

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possible evaluation and repair of the NOx analyzer, on guidance from the supplier, Birla sent its NOx analyzer to the equipment supplier via overnight express on November 29, 2021. The supplier has indicated that they anticipate being able to have the NOx analyzer repaired and returned on or about December 3, 2021. Birla notes that another NOx analyzer cannot be used as each analyzer is specific to the equipment.

As a result of this CEMS equipment failure, Birla will not have an operable stack CEMS as required by Paragraph 29 of the Consent Decree for the period that began on November 26, 2021 until it is returned to service. Birla also anticipates possible delays in meeting NOx emission limits and NOx monitoring requirements under Paragraphs 23, 29, and 30 of the Consent Decree.

Birla notes that there are no applicable NOx emission limits at this time as Birla is doing testing and set under Paragraph 26 Option B of the Consent Decree. Birla notes that the emission control equipment (low-NOx combustion system,) continues to operate at a steady state, and Birla has no reason to believe there would be any change causing excessive NOx emissions.

We will update you with more details as they become available. Please contact David Buente at 202-255-8684 or [dbuente@sidley.com](mailto:dbuente@sidley.com) if you have any questions in the meantime.

Sincerely,



Randy Waskul  
Global Director, Health, Safety & Environmental

CC: Kellie Ortega, U.S. EPA (by email)  
Patrick Foley, U.S. EPA (by email)  
Chris Williams, U.S. EPA (by email)  
Carlos Evans, U.S. EPA Region 6 (by email)  
Emad Shahin, U.S. EPA Region 6 (by email)  
Lisa Gotto, U.S. EPA Region 7 (by email)  
Lisa Hanlon, U.S. EPA Region 7 (by email)  
Amy Algoe-Eakin, U.S. EPA Region 7 (by email)  
Alex Chen, U.S. EPA Region 7 (by email)  
Thomas Mariani, U.S. DOJ (by email)  
Eli Quinn, U.S. DOJ (by email)  
Connie Ellis, KDHE (by email)  
Kate Gleeson, KDHE (by email)  
David Buente, Sidley Austin LLP (by email)  
Allen Braddock, Sidley Austin LLP (by email)

Enclosures: Attachment 1 - 2021 - 11 - 30 - Hickok - Email Correspondence Regarding CEMS Issues

# **ATTACHMENT 1**

2021-11-30 - Hickok -  
Email Correspondence Regarding CEMS Issues

**From:** [Waskul, Randy](#)  
**To:** [Braddock, Allen S.](#)  
**Subject:** FW: Birla Carbon Hickok CEMS Rx Cell Pressure Issue  
**Date:** Tuesday, November 30, 2021 6:57:29 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)

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Last email communication on CEMS.

**With Kindest Regards,**

*Randy*

**Randy Waskul**

Global Director Health, Safety and Environment



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**From:** Burnum, Douglas <Douglas.Burnum@adityabirla.com>  
**Sent:** Monday, November 29, 2021 6:19 PM  
**To:** Waskul, Randy <Randy.Waskul@adityabirla.com>; McGaughey, Mark <Mark.McGaughey@adityabirla.com>  
**Subject:** RE: Birla Carbon Hickok CEMS Rx Cell Pressure Issue

Randy,

Just want to make you aware. There were enough issue with the CEMS Analyzer that I was having

trouble getting through it. I think one of the power supplies was not supplying enough voltage to the ozone destruct module as it was not getting hot, and the temperature probe on it was reading excess of 900°C, which also could have kept it from turning on. The Reaction Cell Pressures never got to what I think they should be and was always indicating a lower than what I feel was actual sample flow. Like I said...multiple issues and Jeff from ATI felt it would be best to do a bench repair on it. It was sent out overnight express from Ulysses and should be at ATI in Marietta tomorrow. Jeff assured me he had the proper techs who could repair it there tomorrow and Wednesday and have it back to us by end of week. I'm sorry about this. I was really hoping it was a normal blockage somewhere that was causing the issues as it has been in the past. Erik Figuaroa, our IE Tech did find one blockage, but it was only part of the overall problem. I should say that I had ATI decrease the period time from 8hrs to 30 minutes for the probe blowback and has significantly improved overall reliability.

Best regards,

**Douglas Burnum**

E&I Supervisor / Automation Engineer  
Hickok Production Facility, Aditya Birla Group



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**From:** [Waskul, Randy](#)  
**To:** [Braddock, Allen S.](#)  
**Subject:** FW: Birla Carbon Hickok CEMS Rx Cell Pressure Issue  
**Date:** Tuesday, November 30, 2021 7:01:27 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)

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1<sup>st</sup> email exchange that I received on the CEMS.

**With Kindest Regards,**

*Randy*

**Randy Waskul**

Global Director Health, Safety and Environment



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**From:** Burnum, Douglas <Douglas.Burnum@adityabirla.com>  
**Sent:** Monday, November 29, 2021 9:34 AM  
**To:** McGaughey, Mark <Mark.McGaughey@adityabirla.com>; Waskul, Randy <Randy.Waskul@adityabirla.com>  
**Subject:** RE: Birla Carbon Hickok CEMS Rx Cell Pressure Issue

Mark,

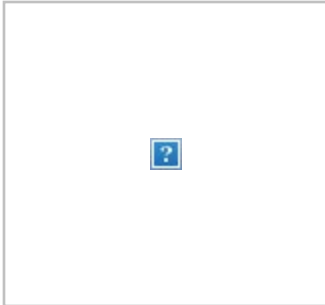
I am working with Jeff and Jed to correct this. They feel it might be an internal leak in the unit. I'm

checking a few other things as well.

Best regards,

**Douglas Burnum**

E&I Supervisor / Automation Engineer  
Hickok Production Facility, Aditya Birla Group



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**From:** McGaughey, Mark <[Mark.McGaughey@adityabirla.com](mailto:Mark.McGaughey@adityabirla.com)>

**Sent:** Monday, November 29, 2021 8:17 AM

**To:** Waskul, Randy <[Randy.Waskul@adityabirla.com](mailto:Randy.Waskul@adityabirla.com)>; Burnum, Douglas <[Douglas.Burnum@adityabirla.com](mailto:Douglas.Burnum@adityabirla.com)>

**Subject:** FW: Birla Carbon Hickok CEMS Rx Cell Pressure Issue

Randy,

The CEMS is not working at all. Normally we would say our back up system which is the Nox analyzer on the incinerators is working but it does not appear to be working either.

Doug can give insight on what is transpiring.

We may need to get Jeff or Jed on site to help correct.

Mark

---

**From:** Burnum, Douglas <[Douglas.Burnum@adityabirla.com](mailto:Douglas.Burnum@adityabirla.com)>

**Sent:** Saturday, November 27, 2021 1:01 PM

**To:** Jeff Wheeler <[JWheeler@airtechniquesinc.com](mailto:JWheeler@airtechniquesinc.com)>; Jed Munford <[JMunford@airtechniquesinc.com](mailto:JMunford@airtechniquesinc.com)>

**Cc:** McGaughey, Mark <[Mark.McGaughey@adityabirla.com](mailto:Mark.McGaughey@adityabirla.com)>; Banuelos, Abel <[Abel.Banuelos@adityabirla.com](mailto:Abel.Banuelos@adityabirla.com)>; Figueroa, Erik <[Erik.Figueroa@adityabirla.com](mailto:Erik.Figueroa@adityabirla.com)>

**Subject:** Birla Carbon Hickok CEMS Rx Cell Pressure Issue

Jeff; Jed,

I'm having an issue with our CEMS instrument. It keeps indicating a 0% NOx reading and the Rx Cell pressure is around 15-18" Hg

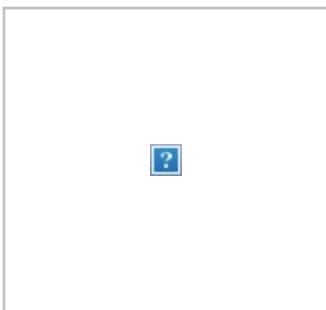
I indicate a good flow across the "sample flow" rotometer, and I checked the sample pump and it does pull a negative pressure when plugged but during normal operation, it operates just slightly negative. I think the sample pump works properly. I've checked the pump in the instrument cabinet and it too appears to be working properly. When operating I have a very strong negative pressure on the Teledyne's primary filter. When I lift the primary filter seal I can hear a very noticeable change in the lower pump as well. I feel the lower pump is also working properly. We have replaced both sample line filters and I have also replaced all the critical orifices. We have also checked the exhaust block which has been plugged before and find no plugging in it. After doing so, I am still not getting a NOx reading and the Rx Cell Pressure remains high. I messaged Jed for nominal pressures and he replied it should be around 4-10" Hg. Which sort of coincides with my memory of it being around 6" Hg. When it was operating properly. Any ideas at what to further look at?

PS. The sample filters looked mostly clean and the probe has been remaining clear as well. The CEMS has been operating mostly without issues since decreasing the period time between probe blowback from every 8hrs to every 30 minutes. Maybe once every 14-16 days have I had to introduce excess plant instrument air to the system to help the O2%vv sensor.

Best regards,

**Douglas Burnum**

E&I Supervisor / Automation Engineer  
Hickok Production Facility, Aditya Birla Group



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